



RECEIVED

OCT 28 2002

#30  
10-29-02  
1806 P.2

TECH CENTER 1600/2900

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Janssens *et al.*

Appl. No. 08/896,053

Filed: July 17, 1997

For: **Method of Inducing Vasodilation  
and Treating Pulmonary  
Hypertension Using Adenoviral-  
Mediated Transfer of the Nitric  
Oxide Synthase Gene**

Confirmation No. 2698

Art Unit: 1632

Examiner: Beckerleg, A.M.

Atty. Docket: 0609.4280001/LBB/JAH

**Fourth Supplemental Information Disclosure Statement under 37  
C.F.R. § 1.97(c)**

Commissioner for Patents  
Washington, D.C. 20231

Sir:

Listed on accompanying Form PTO-1449 are documents that may be considered material to the examination of this application, in compliance with the duty of disclosure requirements of 37 C.F.R. §§ 1.56, 1.97 and 1.98. The numbering on this Fourth Supplemental Information Disclosure Statement is a continuation of the numbering in Applicants' Third Supplemental Information Disclosure Statement filed on September 7, 2000, in connection with the above-captioned application. A copy of each document is also provided.

Where the publication date of a listed document does not provide a month of publication, the year of publication of the listed document is sufficiently earlier than the effective U.S. filing date and any foreign priority date so that the month of publication is not in issue. Applicants have listed publication dates on the attached PTO-1449 based on information presently available to the undersigned. However, the listed publication dates should not be construed as an admission that the information was actually published on the date indicated.

Applicants reserve the right to establish the patentability of the claimed invention over any of the information provided herewith, and/or to prove that this information may not be prior art, and/or to prove that this information may not be enabling for the teachings purportedly offered. This statement should not be construed as a representation that a search has been made, or that information more material to the examination of the present patent application does not exist.

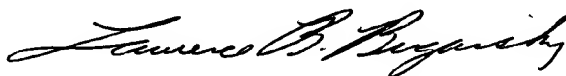
This Information Disclosure Statement is being filed more than three months after the U.S. filing date and after the mailing date of the first Office Action on the merits, but before the mailing date of a Final Rejection, or Notice of Allowance, or an action that otherwise closes prosecution in the application.

It is respectfully requested that the Examiner initial and return a copy of the enclosed PTO-1449, and to indicate in the official file wrapper of this patent application that the documents have been considered.

In accordance with 37 C.F.R. § 1.97(c), fee payment under 37 C.F.R. § 1.17(p) is provided in our accompanying Check No. 37094. The U.S. Patent and Trademark Office is hereby authorized to charge any fee deficiency, or credit any overpayment, to our Deposit Account No. 19-0036.

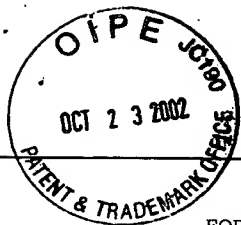
Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.



Lawrence B. Bugaisky  
Attorney for Applicants  
Registration No. 35,086

Date: October 23, 2002  
1100 New York Avenue, N.W.  
Suite 600  
Washington, D.C. 20005-3934  
(202) 371-2600



FORM PTO-1449  <u>FOURTH SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT</u>	ATTY. DOCKET NO. 0609.4280001/LBB/JAH	APPLICATION NO. 08/896,053
	APPLICANT Janssens et al.	
	FILING DATE July 17, 1997	GROUP 1632

## U.S. PATENT DOCUMENTS

EXAMINER INITIAL		DOCUMENT NUMBER	DATE	NAME	CLASS	SUB-CLASS	FILING DATE
	AA						
	AB						
	AC						
	AD						
	AE						
	AF						
	AG						
	AH						
	AI						
	AJ						
	AK						

RECEIVED

OCT 28 2002

TECH CENTER 1600/2900

## FOREIGN PATENT DOCUMENTS

EXAMINER INITIAL		DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUB-CLASS	TRANSLATION
	AL						Yes No
	AM						Yes No
	AN						Yes No
	AO						Yes No
	AP						Yes No

## OTHER (Including Author, Title, Date, Pertinent Pages, etc.)

	AR		
	AS	43	Janssens, S., et al., "Homogeneous myocardial expression of human constitutive nitric oxide synthase by adenoviral gene transfer during syngeneic heterotopic heart transplantation," <i>Circulation</i> 92:Abstract No. 2398, pp. 1502, Lippincott, Williams & Wilkins (October 1995)
	AT	43	Biosis Database, Accession No. 199698601285, from Thusu Kajori, G., et al., (November 1995)

EXAMINER	DATE CONSIDERED
<b>EXAMINER:</b> Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to Applicant.	



FORM PTO-1449

FOURTH SUPPLEMENTAL INFORMATION DISCLOSURE  
STATEMENTATTY. DOCKET NO.  
0609.4280001/LBB/JAHAPPLICATION NO.  
08/896,053APPLICANT  
Janssens et al.FILING DATE  
July 17, 1997GROUP  
1632**U.S. PATENT DOCUMENTS**

EXAMINER INITIAL		DOCUMENT NUMBER	DATE	NAME	CLASS	SUB- CLASS	FILING DATE
	AA						
	AB						
	AC						
	AD						
	AE						
	AF						
	AG						
	AH						
	AI						
	AJ						
	AK						

**RECEIVED**

OCT 28 2002

TECH CENTER 1600/2900

**FOREIGN PATENT DOCUMENTS**

EXAMINER INITIAL		DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUB- CLASS	TRANSLATION
	AL						Yes No
	AM						Yes No
	AN						Yes No
	AO						Yes No
	AP						Yes No

**OTHER (Including Author, Title, Date, Pertinent Pages, etc.)**

	AR	<u>44</u>	Biosis Database, Accession No. 199598495022, from Ziegler, J.W., et al., (August 1995)
	AS	<u>44</u>	International Search Report for International Patent Application No. EP 97 93 3529, mailed September 19, 2002
	AT		

EXAMINER

DATE CONSIDERED

**EXAMINER:** Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to Applicant.